

Medicaid Tamper-Resistant Prescription Information for State Health Policymakers

Lobbynet: August 17, 2007

Background

Starting on October 1, 2007, in order for Medicaid outpatient drugs to be reimbursable by the federal government, all written, non-electronic prescriptions must be executed on tamper-resistant pads. This requirement was included in section 7002(b) of the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act of 2007. On August xx, 2007, the Centers for Medicare & Medicaid Services (CMS), issued a letter to State Medicaid Directors with guidance on implementing the new requirement.

CMS has outlined three baseline characteristics of tamper-resistant prescription pads, but each State will define which features it will require to meet those characteristics in order to be considered tamper-resistant. The baseline characteristics must:

- (1) Prevent unauthorized copying of a completed or blank prescription form;
- (2) Prevent the erasure or modification of information written on the prescription by the prescriber; or
- (3) Prevent the use of counterfeit prescription forms. By October 1, 2007, States must require at least one of these baseline requirements. By October 1, 2008, States must require all three characteristics on prescription pads in order to be considered tamper-resistant.

The letter to State Medicaid Directors outlines situations where the new requirement does and does not apply. The requirement does not apply: when the prescription is communicated by the prescriber to the pharmacy electronically, verbally, or by fax; a managed care entity pays for the prescription; or in most situations when drugs are provided in certain institutional and clinical facilities. The letter also allows emergency fills as long as a prescriber provides a verbal, faxed, electronic, or compliant written prescription within 72 hours. For detailed information on the requirements, please refer to the State Medicaid Director letter.

What to think about to begin

States may need to act quickly to implement this requirement by October 1, 2007. To prepare for implementation, State health policymakers should begin by asking the following questions:

- Does your State already have rules that require some prescriptions to be tamper-resistant? If so, do those rules meet or can they be expanded to meet the requirements outlined by CMS?
- Will your State need to pass legislation or make regulatory changes to its Medicaid pharmacy reimbursement procedures?
- Does your State have an e-prescribing initiative? Electronic, faxed, and verbal prescriptions do not need tamper-resistant prescription pads.

- Will your State supply providers with tamper-resistant prescription pads that comply with the State's requirements? If not, will your State identify suppliers of tamper-resistant prescription pads that comply with the State's requirements for providers?
- Can your State apply model practices from States that already require tamper-resistant prescription pads?
- How will your State communicate this new requirement to pharmacists and prescribers?